

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

WILLIAM UHLENKOTT,

Plaintiff,

v.

ENDOT INDUSTRIES, INC.,

Defendant.

No. CV-03-038-FVS

ORDER ADOPTING SPECIAL
MASTER REPORT ON
FED.R.CIV.P. 56 MOTIONS

This is a patent infringement action in which Plaintiff William Uhlenkott alleges that Defendant Endot Industries, Inc., infringed Plaintiff's U.S. Patent No. 6,302,212, issued October 6, 2001 and U.S. Patent No. 6,513,597, issued February 4, 2003.

On November 24, 2004, the Court appointed William O. Ferron, Jr., a patent attorney with experience in patent law issues, as Special Master pursuant to Federal Rule of Civil Procedure 53, Ct. Rec. 109. Pursuant to such Order, the Special Master conducted an oral hearing on the parties' motions filed under Fed.R.Civ.P. 56. The parties each filed summary judgment motions on the issues of validity and infringement. Thereafter, on March 28, 2005, the Special Master set forth his recommendations on the summary judgment motions in a written report, Ct. Rec. 162.

Neither the Plaintiff nor the Defendant filed any objections to

1 the Special Master Report. Accordingly, upon consideration of the
2 Special Master Report and of the entire record, the Court accepts and
3 adopts the recommendations set forth in the Special Master Report as
4 the opinion of the Court.

5 **IT IS HEREBY ORDERED:**

- 6 1. The Court **ADOPTS** the Special Master Report on Claim
7 Construction, **Ct. Rec. 162**.
8 2. Defendant's Motion for Summary Judgment, **Ct. Rec. 117**, is
9 **GRANTED IN PART AND DENIED IN PART**.
10 3. Plaintiff's Motion for Summary Judgment, **Ct. Rec. 126**, is
11 **GRANTED IN PART AND DENIED IN PART**.
12 4. Plaintiff's Motion for Leave to File Excess Pages, **Ct. Rec.**
13 **131**, is **MOOT**.
14 5. Plaintiff's Motion to Strike Portions of the Declarations
15 of Richard Kraft and Jerry Cole, **Ct. Rec. 143**, is **MOOT**.

16 **IT IS SO ORDERED.** The District Court Executive is hereby
17 directed to enter this Order and furnish copies to counsel and
18 William O. Ferron, Jr.

19 **DATED** this 26th day of April, 2005.

20 s/ Fred Van Sickle
21 Fred Van Sickle
22 Chief United States District Judge
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